

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES EQUAL EMPLOYMENT)	CASE NO. 17-cv-01084-AJT-JFA
OPPORTUNITY COMMISSION,)	
Plaintiff,)	
)	
vs.)	
)	
CAMBER CORPORATION,)	
Defendant.)	
_____)	

UNOPPOSED MOTION FOR STAY AND EXTENSION WITH REQUEST
FOR EXPEDITED RULING and WAIVER OF HEARING

Plaintiff Equal Employment Opportunity Commission (“EEOC”) moves this Court to stay this litigation and extend all deadlines due to the shutdown of operations of the Federal Government and lapse in appropriations. The EEOC also requests an expedited ruling on this motion.

1. EEOC is the Federal Government agency charged by Congress with interpreting, administering, and enforcing the Federal Government’s major employment discrimination laws.
2. Congress failed to pass a continuing resolution on Friday January 19, 2018, and as a result, appropriations for funding Federal Government operations lapsed as of midnight on January 19, and the Federal Government is now shut down.
3. As a Federal Government agency, EEOC is subject to the federal Antideficiency Act, which provides in part that an “officer or employee of the United States Government ...may not ...involve [the] government in a contract or obligation for the payment of money before an appropriation is made unless authorized by law....” (31 U.S.C. § 1341(a)(1)(B)) and “... may not

accept voluntary services ...or employ personal services exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property” (31 U.S.C. § 1342). Such emergencies “do[] not include ongoing, regular functions of the government the suspension of which would not imminently threaten the safety of human life or the protection of property” (*id.*).

4. Because of the lapse in appropriations of Federal Government funding and the requirements of the Antideficiency Act, EEOC lawyers and legal support staff are prohibited from engaging in litigation activities as of midnight on January 19, 2018, with the exception of a four hour wind-down period on Monday, January 22, 2018.

5. Therefore, the EEOC seeks an order to stay this litigation for the duration of the lapse in agency appropriations and to extend all deadlines that occur during the lapse in appropriations for the same time period as the lapse. For example, if the EEOC remains without funding from January 20, 2018 through January 27, 2018, then any deadlines occurring during that period would be extended by seven days.

6. In this case, the EEOC requests extensions for the following deadlines which are currently set in this case: all deadlines in the Rule 16(B) Scheduling Order entered January 3, 2018 (ECF 16)(except for the Rule 26(a)(1) disclosures deadline) and all deadlines in the Scheduling Order entered December 12, 2017 (ECF 10)(except for the Pretrial Conference and proposed discovery plans filing deadlines).

7 Counsel for the EEOC has contacted counsel for Defendant regarding this motion and Defendant does not oppose this motion.

8. Because government operations may resume at any time, the EEOC requests an expedited ruling on this motion.

9. EEOC seeks the above referenced relief in good faith, and not for any improper purpose.

10. Pursuant to the Local Rules governing matters pending in the Eastern District of Virginia, and in Alexandria, EEOC confirms that the parties waive hearing on this motion. Moreover, pursuant to the Rules a proposed Order is attached to this unopposed motion for entry.

WHEREFORE, Plaintiff EEOC requests that this Court enter an Order staying the litigation of this matter due to a lapse in appropriations, lifting the stay upon restoration of appropriations, and extending all deadlines which occur during the term of any lapse in appropriations by the same time period as the lapse.

Respectfully submitted,

/s/Jeffrey A. Stern

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of January 2018, I filed the foregoing UNOPPOSED MOTION FOR STAY AND EXTENSION WITH REQUEST FOR EXPEDITED RULING and WAIVER OF HEARING with Proposed Order using the CM/ECF system, which will send a notification of such filing (NEF) to all ECF counsel of record in this matter.

s/David Staudt

David Staudt

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